

6-6 CR BLOCKED DUE TO CIC 0110 RULES

Customer records that use CIC 0110 with POTS destination (termination) numbers will be validated by the system (when an "Update" is performed on the CR) against the corresponding IntraLATA Carrier Management screens: CLA, CLE, NCA, NLA and NLE. If any of these validations fails, then the user will receive an error message that indicates which IntraLATA Carrier Management screen blocked the CR from going PENDING and which POTS destination number is associated with this error.

If the LEC of the POTS destination number entered their email address on the IntraLATA Carrier Management screen (i.e., CLA, CLE, NCA, NLA or NLE) and anyone's CR Update was rejected due to the LEC's CIC 0110 restrictions, then the LEC will receive a corresponding email message.

An example email message that the system may send to a LEC when anyone's CR is rejected due the LEC's CIC 0110 restrictions is provided below.

From: SMS/800
Sent: Thursday, April 07, 2005 11:28 AM
To: JQRESPORGPERSO@TOLLFREEAREUS.COM
Subject: SMS/800 CR BLOCKED BY YOUR CIC 0110 RULES

CUSTOMER RECORD UPDATE REJECTED DUE TO CIC 0110 RULES STATED BELOW.

CR DETAILS:

DIAL#: 8005551234

RESP ORG: BROPR

EFF. DATE/TIME: 06/01/05 11:00P/C

POTS TERMINATING NUMBER SCREEN KEY

9086991111	CLA	BA
9089061112	CLE	RM
9094441113	CLE	RM
9094441117	CLE	RM
9094441118	CLE	RM
9094441119	CLE	RM
9094441119	CLE	RM
9295551122	CLE	RM

Judith Nitsche

From: Glenn A. Harris [glenn.harris@intermetro.net]
Sent: Thursday, September 22, 2005 3:58 AM
To: Judith Nitsche; Deena Shetler
Cc: 'Richard Metzger'; 'Ruth Milkman'
Subject: SMT Answers re SMS/800 Release 16.3

Hello Judy and Deena,

Thank you for your time and effort to bring clarity to the likely impact of the SMS/800 Release 16.3. For several weeks, InterMetro has attempted to obtain clarification from the SMT regarding the Release. It is now apparent that Staff is receiving inaccurate or deceptively incomplete information from SMT. Accordingly, we propose to have a conference call with Staff, SMT and InterMetro present so that we can quickly and collectively reach a common understanding of the facts. With that common understanding, we believe the Commission will be able to make informed decisions on how to best proceed. While we are obviously concerned about the well-being of our business and our current reputation for providing high-quality services, I believe Staff and InterMetro share a common concern that the Release may harm consumers by causing unnecessary service disruptions. Our concern is real, and SMT should have the burden to prove otherwise.

Below we address two important points regarding the Release. Also below, we provide a list of questions that we believe may assist Staff in clarifying the potential impact of the Release. We do not address herein our legal arguments that the SMT does not have authority to implement the Release under the SMS/800 Tariff.

Contrary to SMT's Statement To Staff, ILEC/CLEC And CLEC/Resp Org Agreements Must Expressly Approve 0110 Routing In Order For Resp Orgs To Continue Using The 0110 CIC.

We understand that SMT represented to Staff yesterday (Wednesday) that if an originating ILEC has an interconnection agreement with a terminating CLEC, and the Resp Org has an agreement with the CLEC, then 0110 traffic would not be impacted by Release 16.3 if the ILEC and CLEC enter that information into the new screens. This statement from SMT is false, or, at best, deceptively incomplete.

In InterMetro's follow-up conversation yesterday afternoon with SMT representatives from Qwest, Bell South, Verizon, and SBC, we confirmed that, under the Release, the CLEC/ILEC and CLEC/Resp Org agreements must expressly provide for the routing of 0110 traffic. Although CLECs and ILECs have extremely complex interconnection agreements that address billing, based on our information and belief, there are few ILEC/CLEC agreements that *expressly* authorize 0110 traffic, if any. The SMT representatives did not respond to our question of whether any such agreements currently exist.

However, at least as applied to Qwest's territory, Qwest's announcement that it would discontinue use of the 0110 CIC could only be true if Qwest is not currently bound under contract to route 0110 traffic.

Although a Product Manager from Qwest initially informed the InterMetro team yesterday that Qwest would discontinue InterMetro's use of the 0110 CIC beginning September 25, 2005, he later informed our team that the cut-off would be November 30, 2005. He further clarified that Qwest would continue to use the 0110 CIC for Qwest's retail services.

Release 16.3 Provides No Notice Mechanism So That InterMetro, And Similarly Situated Companies, Would Have Adequate Time To Move Traffic Off Their Networks And Onto IXC Networks If A LEC Decides To Activate The New Screens.

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We understand from the SMT bulletins that there is no requirement for LECs to use the new screens. However, if a LEC decides to use the screens to restrict access to its network to, for example, affiliated Resp Orgs, then Resp Orgs, like InterMetro, would have their 0110 traffic blocked. (See, SMS/800 Bulletin No.: RLS-05-01, May 13, 2005, at ¶C.1.) We have found no provision in the Release 16.3 documentation to ensure that a Resp Org would receive adequate notice that a LEC intends to activate the screens. Irrespective of whether the Release is legal, this is a serious deficiency in the Release requirements.

If a LEC blocked InterMetro's 0110 traffic, the interruption of millions of consumers' services would harm InterMetro's reputation and InterMetro's customers' reputations. The offending LEC's reputation would likely improve because of its comparably reliable service. The Commission should, at the very least, suspend implementation of the Release until proper notice provisions are established for the industry. As the SMT explained today, InterMetro should transfer its traffic over to an IXC now to avoid the risk to InterMetro's customers (and their end users). InterMetro is like a mother being asked to give up her children to a gunman who will otherwise shoot them.

Summary And List Of Potential Questions For The SMT

If the Release is not suspended, on September 25th the LECs can eliminate our ability to enter new records that use the 0110 CIC and to re-route traffic for our customers if there are network disruptions (e.g., hurricanes, scheduled network maintenance...). Our ability to provide high quality services will no longer be in our control. On November 30th, millions of consumers may lose their services, unless InterMetro and other Resp Orgs have gone into the database to re-direct traffic to IXCs (many of the same IXCs/LECs that are aggressively pushing for Release 16.3 implementation). Reaching all the necessary agreements is not a realistic option for Resp Orgs.

Below we have identified questions for SMT that we believe may help clarify for Staff the details of the Release:

- If an ILEC and CLEC have an interconnection agreement, and a CLEC and Resp Org also have an agreement; but those agreements do not expressly address 0110 routing, can the originating ILEC, utilizing Release 16.3 functionality, block 0110 traffic to that Resp Org? As stated above, we were informed by the SMT yesterday that the answer is "yes."
- If there are no agreements in place that *expressly* address 0110 routing, then after November 30, 2005, is it *possible* that the LECs' use of the new screens to block Resp Orgs' use of 0110 will "turn off" services to millions of consumers?
- Because use of Release 16.3 functionality is optional for ILECs and CLECs, how and when do CLECs and Resp Orgs receive notice that an originating ILEC has chosen to activate the system? Will the disallowed Resp Orgs have an opportunity to modify the records to re-route traffic to IXCs?
- Should ILECs have the right and ability to decide which VoIP/Resp Org providers, if any, may utilize 0110 CIC for locally routing calls?
- At what point prior to September 25, 2005 may a Resp Org obtain access to determine whether there are any POTS destination numbers that will be "disallowed" under the new screens? Is there any other way for a Resp Org to determine in advance whether the

implementation of Release 16.3 will foreclose a Resp Org's access to 0110 numbers to which the Resp Org has access today?

- If because of an error a Resp Org is blocked post September 25, 2005 from adding a new 0110 customer to the data base or making changes in the routing of an existing 0110 number, what is the process for promptly correcting that error and allowing access? If the remedial process requires a Resp Org to contact a help desk maintained by the SMT, how many trained individuals has SMT committed to staff the help desk and for how long?

We look forward to speaking with you further. Thank you again for your consideration of this important matter.

Regards,
Glenn

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9/22/2005